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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/744,515	01/23/2001	Ernst Paul Goatley	41616/VGG/B6	8569

7590 03/14/2002

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EXAMINER

BURCH, MELODY M

ART UNIT	PAPER NUMBER
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3613

DATE MAILED: 03/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/744,515

Applicant(s)

GOATLEY, ERNST PAUL

Examiner

Melody M. Burch

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 January 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 5-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities:

- On pg. 4 line 27 the word "said" should be deleted.

Appropriate correction is required.

### ***Claim Objections***

2. Claims 5-14 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re: claims 1-4. The phrase "said piston" including but not limited to the first appearance in line 4 of claim 1, the phrase "the or each said piston" first appearing in line 5 of claim 1, the phrase "said clutch" first appearing in the last line of claim 1, and the phrase "the or each said clutch" first appearing in lines 6-7 are indefinite. Examiner

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recommends using such language as --said at least one piston—and --said at least one clutch-- to refer back to the previously claimed elements using consistent claim terminology.

Re: claims 1 and 4. It is unclear to the Examiner whether the “first series of spaced plates” and the “second series of spaced plates” claimed in claim 4 are intended to be different or the same as the “part” and “different part” of the at least one clutch means claimed in claim 1. Clarification is required.

Re: claim 4. The phrase “a gear” in line 4 from the bottom of the claim is indefinite. It is unclear to the Examiner whether the “gear” in claim 4 is the same or different from that of claim 1. Examiner recommends amending the claim to read as -- the gear-- if Applicant intends to refer back to the gear claimed in claim 1.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Ordo.

Re: claims 1-3. Ordo shows in figure 1 a gear box adaptor 10 including a hub 54 to be engageable with a gear shaft 18 for rotation therewith; at least one piston 55 mounted within the hub; means for supplying fluid from the exterior of the hub to a first face of the at least one piston as disclosed in col. 3 lines 59-61 so as to move the at

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least one piston in a first direction; at least one clutch means 40 adjacent the at least one piston, part of the at least one clutch means being engaged with the hub via element 50 and a different part 39 of the at least one clutch means being engageable with a gear 36 locatable on the gear shaft adjacent the hub, the at least one clutch means being located and arranged such that movement of the piston in the first direction inter-engages the parts of the at least one clutch to drivingly engage the gear and the gear shaft as disclosed in col. 3 lines 60-65.

Re: claim 4. Ordo shows in figure 1 the clutch means comprising a clutch pack which consists of a first series of spaced plates 48 each of which is engaged with the hub via element 50 for rotation therewith but which is reciprocable parallel to the longitudinal axis of the hub; and a second series of spaced plates 46 each of which is engageable with the gear 36 via element 39 mounted upon the gear shaft but which is reciprocable parallel to the longitudinal axis of the hub, the second series of plates being interleaved with the plates of the first series.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patents: 4718302 to Nussbaumer et al. teaches in figure 1 the use of a gear box adaptor 52, 3899938 to Crabb, 5024634 to Blessing, and 6022295 to Liu teach the use of similar clutch means and gear assemblies.

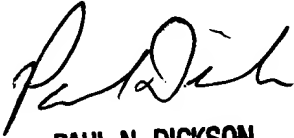
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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melody M. Burch whose telephone number is 703-306-4618. The examiner can normally be reached on Monday-Friday (7:30 AM-4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 703-308-2089. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

mmb 3/6/02  
mmb  
March 6, 2002

  
PAUL N. DICKSON  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600